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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,679	03/18/2004	Jianbo Lu	81095829FGT1911	2678

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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

## Office Action Summary

Application No.

10/708,679

Applicant(s)

LU ET AL.

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-2152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's response filed 7/19/05 has been received. The previous examiner indicated applicant's claims are **unduly broad** with respect to what is known, or collectively taught, in the prior art. This examiner maintains that position.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: applicants should amend the beginning of the specification to indicate the copending applications, now that the serial numbers of the files are known.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19,34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 the phrase "generating a U-turn in response determining" is unclear. Also on the last line "the U-turn signal" lacks antecedent basis.

Claim 18 line 1 "25" is unclear.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. publication to Wessman '616 in view of Ritz et al..

Regarding claims 1,20 Wessman discloses a steering control device comprising a steering transmitting device and a sensor 5 "arranged to detect at least one parameter relating to a condition of the steering actuator and generate a signal indicative of the condition..." This publication goes on to disclose a method to reduce the turning radius of the vehicle by braking. See claim 1.

Lacking in Wessman are the specific terminology of brake steering.

Ritz et al. Is relied upon to provide a better explanation that this is in fact occurring in Wessman. Please see columns 1 and 2 and column 6 lines 47-63 (of the patent '394—for reference).

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It would have been obvious to have applied the teachings of Ritz et al. to that of Wessman for safety considerations when the vehicle corners or when the vehicle is in the state of vehicle stability control, i.e. for increased safety.

Regarding claims 1-6,21 as broadly claimed, these requirements are fairly suggested by the references above and what is notoriously well known in the art.

8. Claims 7-19,22-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wessman '616 in view of Ritz et al. as applied to claim 6 above, and further in view of Yamawaki et al. '113 or Nishizaki et al. '215 or Shinmura et al. '975 or the U.S. publication to Zheng et al. '847 or Harara et al. '019.

Regarding claims 7-19,22-47, as broadly claimed by applicants, these limitations are well known in the art and are fairly suggested by Yamawaki et al. '113 or Nishizaki et al. '215 or Shinmura et al. '975 or Zheng et al. '847 or Harara et al. '019.

To have applied the teachings of the modifying references above to Wessman '616, as modified by Ritz et al., would have been obvious to the ordinary skilled worker in the art to offer improved operator steering feel and an improved vehicle stability control system.

For instance the limitation of a "boost curve" is not given much patentable weight since this merely amounts to an obvious alternative equivalent of using steering "target", "threshold", or "limit" values to in turn adjust the amount of brake steer.

**Conclusion**

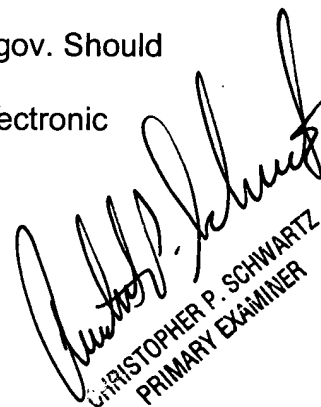
9. The prior art made of record but not applied is considered pertinent to applicant's disclosure. It is recommended applicant's representative review all of the prior art of record as it is relied upon to form the conclusions of obviousness above given the undue breadth of the claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps  
9/30/05

  
CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER